

MINUTES
Montana Fish, Wildlife & Parks
Commission Conference Call Meeting
1420 East 6th Avenue – Helena Headquarters
Helena, MT 59620

JANUARY 14, 2008

Commission Member Present: Steve Doherty, Chairman; Shane Colton, Vice-Chair; Vic Workman; Dan Vermillion; Willie Doll.

Fish, Wildlife & Parks Staff Present: Jeff Hagener, Director; Chris Smith; Larry Peterman; Bob Lane; Chris Hunter; Don Skaar; Ron Aasheim; Regena Peterson.

Region 1 Staff Present: Jim Satterfield; Jim Vashro.

Media Present: Susan Gallagher, Associated Press; Mark Henkel, Billings Gazette; Brett French, Billings Gazette.

Guests Present: Mark Aagenes and Bruce Farling of Trout Unlimited.

Topics of Discussion:

- 1. Opening – Call to Order**
- 2. South Fork Westslope Cutthroat Conservation Program Postponement - Tentative**

- 1. Call to Order.** Chairman Doherty called the conference call meeting to order at 10:10 a.m.

Commissioner Workman stated that many constituents in his district have expressed displeasure with the Rotenone poisoning of the South Fork waters. He, and they, are concerned about the long-term and short-term effects on the health of humans, wildlife and aquatics, about groundwater contamination, and about collateral damage to other species. He is bringing this forward now to present questions, obtain answers, and determine if the project should proceed. Workman said this is not a personal vendetta, but that his public does not like the project.

Workman said he recently asked Region 1 staff how much collateral damage was observed after poisoning the first two lakes in the project, and was told “viewing of the process is not for the faint of heart. It looks like a war zone. Everything alive dies.”

Workman said the public was told the fishing would be as good or better after the poisoning, and that is not the case in at least one lake he is aware of. The public has been told one thing but are finding another to be true. He feels FWP has done little towards studying hybridization and determining how much has occurred. He questioned how many fish already on the endangered list would be killed off. Frogs have also died due to the poisoning.

Action: Workman moved and Colton seconded the motion that the Commission adopt as a tentative proposal the indefinite postponement of the South Fork Westslope Cutthroat Trout Conservation Program with the exception of the planned restoration and replanting of the lakes that have already been poisoned, and that this project shall not go forward in any form until a complete review of the use of and potential harm of Rotenone is completed. This project shall not go forward in any way without full public review and Commission approval. FWP staff is hereby directed to begin the public process.

Commissioner Vermillion asked if the studies conducted indicate any adverse environmental impacts by Rotenone relative to groundwater contamination and insect and aquatic mortality. Ten years ago there was a bad incident with Rotenone that wiped out aquatic and fish life.

Don Skaar, FWP Pollution Control Biologist, said considerable research has been conducted in Montana and California relative to groundwater issues. Water samples from four domestic wells adjacent to treated lakes have been tested, and no inert ingredients of rotenone were found. The chemicals bind with the sediments when they get into the ground water. If there is a lot of fractured rock there may be an issue of impact on groundwater. There are definitely affects on aquatic insects and organisms, especially on those with gills. Following treatment, there will be between 10-50 percent less insects. It may take a year or two, but the insects recover. Treatments are conducted when amphibians with gills are not in the stream.

Vermillion said after Rotenone was used in California to poison pike at Davis Lake, the public rose in objection and attempted to establish a law against its use. Skaar said there was significant controversy and political impact surrounding Davis Lake, however last fall they fostered the support of the community and accomplished the poisoning. There is no law in Nevada against its use.

Doherty asked what impacts are felt downstream, how long is Rotenone stable in a body of water, how viable is it when it sits in a lake compared to when it moves down a creek. What is its lifespan, are there human health impacts?

Skaar said its half-life is dependant on temperature. Temperature determines how quickly it degrades, so it could range from days to weeks. In normal stream application the stream bottom has organic matter so it will bind up with it. If it is applied to a stream, Rotenone is detoxified with a chemical to oxidize and break the molecules, and is reintroduced every mile or two. Rotenone is going through re-registration phase and has been approved by EPA as having no long-term effects on human health.

Satterfield stated that the Region met with the Commission twice and the Governor once in 2005 to gain approval to implement this project. The plan is to reclaim a total of twenty lakes at a rate of two per year. The public has been provided the opportunity to be involved through Citizens Advisory Council meetings, and through information provided on the FWP website. The next annual public meeting where FWP will discuss the results of the reclamation project is scheduled for early spring. The Region will continue to assess the project and make any recommended changes or halt the project if necessary.

Jim Vashro, FWP Region 1 Fisheries Manager, stated that two lakes were successfully treated last fall, and they will be retested when the ice goes off the lakes. The lakes will be stocked initially with Westslope Cutthroat to reestablish the fishery, and then additional plants will occur over the next two years. Long-term management requirements will be determined based on the results of the plants. Two more lakes will be poisoned next fall if the results are positive.

Workman stated that he was informed that the fish to be replanted were not genetically pure. He asked if any of the broodstock came from the South Fork.

Vashro replied that everything is one hundred percent pure and he could provide test results if necessary. He replied that broodstock did indeed originate from the South Fork. Aquatic studies have been conducted with good results.

Vermillion pointed out that there are eight months in which information can be collected and assessments can be made before the next treatments are scheduled. He asked if the public process would be required once again if the project is suspended and then determined to be safe to proceed. Action now may be premature.

Bob Lane, FWP Legal Counsel replied that a full public review process would be required before re-approving the project.

Workman said the issue is not strictly about Rotenone. There is other information that needs to be put before the public. He said the public in his district does not feel that FWP is listening to their concerns so have given up trying to voice them. The fisheries are not coming back as quickly as suggested. He wants the Commission to hear from professionals outside of FWP staff who have a different opinion of Rotenone; from professionals who know that Rotenone is not safe, and are aware of damage that has not been conveyed.

Doherty said that professionals with a differing viewpoint could be invited to speak to the Department and Commission.

Satterfield suggested the public meeting scheduled for May could be the forum to discuss safety issues with those professionals in opposition.

Chairman Doherty asked for public comment.

Bruce Farling, Trout Unlimited, said his primary interest in this conversation is to determine if there is some compelling new information relative to this project. They have looked at these projects all over the country and, although they raise questions from time to time, they have not seen any unplanned adverse affects. They do not feel the project should be delayed. The evaluation analysis has been extremely exhaustive and thorough.

Doll asked if it would be possible for the professionals who oppose Rotenone to attend the meeting in July. If the Commission, FWP staff, and media are at the meeting, folks in Region 1 should be convinced that they are indeed being listened to.

Vermillion and Doll felt the word “indefinite” is too strong in the motion.

Action on Motion: Workman amended the motion to remove the word “indefinitely” from his motion. Colton seconded the amendment.

Doherty stressed that although people may think nobody reads their comment letters, the Commissioners do, and they also listen to public comments. He said to invite people in July. If there is new information, it needs to be presented. The Commission needs to make decisions on evidence. This is a long-term project that will be examined and fine tuned, and should not go forward without Commission approval. The idea of the project is over ten years old.

Workman stated that when the project was originally discussed, rooms were filled with people who did not want it to go forward. Once it was put into place, the public gave up and did not come to meetings. They must know they will be listened to.

Vermillion said that when information provides scientific evidence that raises significant questions, the project must be revisited. The overwhelming evidence is that there are no long-term impacts on amphibians, insects or groundwater. The Commission relies on the Department to present any concerns or unexpected impacts.

Workman reiterated this is not just about about Rotenone. It is about the public not wanting the project to go forward. They were told it would save a species and the South Fork drainage, and evidence suggests that is not going to happen. It will never be pure – there is too much hybridization. It is not going to accomplish what they were told it would do.

Action on motion: Motion failed. Two in favor – three opposed. (Doherty, Vermillion and Doll opposed).

Doherty requested more public involvement and directed a review be conducted within and outside the Department on the project and on the use of Rotenone. The commission will decide whether or not to go forward with the projects at the July meeting,

Vermillion requested survey results of amphibians and insects on the two poisoned lakes be provided to the Commission prior to the meeting in July, and asked that an in-depth study be conducted on how well the project worked in 2007.

Doherty stressed that all comments will be taken at the May meeting.

Doherty moved and it was seconded that a review be conducted within and outside the Department on the project and on the use of Rotenone for Commission in July. Motion carried.

Action: Doll moved and Colton seconded the motion to adjourn. Motion carried.

The conference call meeting adjourned at 11:30 a.m.

Steve Doherty, Chairman

M. Jeff Hagener, Director